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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**933 CIVIL APPLICATION NO.12621 OF 2017
IN FAST/23084/2017 WITH CA/12617/2017 IN
FAST/22918/2017 WITH CA/12619/2017 IN
FAST/23107/2017 WITH CA/12623/2017 IN
FAST/23101/2017 WITH CA/12625/2017 IN
FAST/23098/2017 WITH CA/12627/2017 IN
FAST/23095/2017 WITH CA/12629/2017 IN
FAST/23089/2017 WITH CA/12631/2017 IN
FAST/23092/2017 WITH CA/12633/2017 IN
FAST/23075/2017 WITH CA/12635/2017 IN
FAST/23080/2017 WITH CA/12637/2017 IN
FAST/23104/2017**

THE EX. ENGINEER, LATUR MINOR IRRIGATION LATUR
DIVISION, LATUR AND ANR
VERSUS
PANDIT RAM HANGE

...

Advocate for Applicants : Mrs. Dipali S. Ansingkar
Jape

AGP for Respondents : Mr. A.M. Phule
Advocate for Respondent : Mr. B.R. Kedar

...

**CORAM : P.R. BORA, J.
DATED : 16th JANUARY, 2019.**

PER COURT:-

1. Heard Smt Ansingkar, the learned counsel for the applicant-acquiring body and Shri Kedar, the learned counsel appearing for the respondent i.e. original claimant.

2. The delay of 1327 days has occurred in filing the appeals by the acquiring body. It is the contention of the appellants that in making

procedural compliance, the time was consumed and that is the only reason the appeals could not be filed within stipulated time of limitation. The learned counsel submitted that the Reference Court has enhanced the amount of compensation unreasonably more than six times than the amount of compensation offered by the SLAO. The present appeals, therefore, need to be heard on merits and the acquiring body requires to be given an opportunity to prosecute the appeals on merits.

3. Shri Kedar has strongly opposed for condoning the delay stating that the inordinate delay has not been properly explained. After having considered the submissions made by the learned counsel, it appears to me that having regard to the grounds of objections raised in exception to the impugned judgment and awards, the opportunity needs to be given to the acquiring body to prosecute its appeals on merits. The acquiring body has already deposited the amount of compensation in this Court and the applicants are permitted to withdraw about 75% of the total amount from the said amount. Considering all these circumstances, I am inclined to allow these

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applications. Hence, the following order:

ORDER

- i) The applications are allowed.
- ii) The delay caused in filing the appeals is condoned. The appeals be registered in accordance with law.
- iii) Civil applications for condonation of delay stand disposed of.
- iv) After registration of the appeals, issue notice to the respondents. The learned counsel Shri Kedar waives notice for respondent i.e. original claimant in all these matters. Service complete.
- v) List all these appeals for final disposal on 13.02.2019. Call record and proceedings.

(P.R. BORA, J.)

Mujaheed//